

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENTS  
TO THE RULES OF PRACTICE FOR  
THE NINTH JUDICIAL DISTRICT  
COURT

ADKT 0546

**FILED**

NOV 27 2019

ORDER AMENDING RULES OF PRACTICE FOR  
THE NINTH JUDICIAL DISTRICT COURT

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

WHEREAS, on August 27, 2019, Nathan Tod Young, District Judge, and Thomas W. Gregory, District Judge, Ninth Judicial District Court filed a petition in this court seeking to amend the Rules of Practice for the Ninth Judicial District Court. The petition was filed in response to this court's February 28, 2019, order directing district courts to submit to this court any amendments to the local district court rules that are necessary to conform their rules to the NRCP, NRAP and NEFCR that were amended by this court's order on December 31, 2018, and effective on March 1, 2019; accordingly,


IT IS HEREBY ORDERED that the Rules of Practice for the Ninth Judicial District Court are amended and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that the adoption of the proposed Rules of Practice for the Ninth Judicial District Court shall be effective on January 1, 2020. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the


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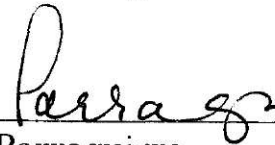
executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendment.

Dated this 27<sup>th</sup> day of November, 2019.

, C.J.  
Gibbons

, J.  
Pickering

, J.  
Hardesty

, J.  
Parraguirre

, J.  
Stiglich

, J.  
Cadish

, J.  
Silver

cc: All District Court Judges  
Clark County Bar Association  
Washoe County Bar Association  
First Judicial District Bar Association  
Paul A. Matteoni, President, State Bar of Nevada  
Kimberly Farmer, Executive Director, State Bar of Nevada  
Administrative Office of the Courts

## **EXHIBIT A**

### **AMENDMENT TO RULES 5, 5.1, 6, 7, 15, 25, AND 29 OF THE RULES OF PRACTICE FOR THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

#### **Rule 5. Setting of civil cases.**

(a) All contested matters other than domestic relations matters shall be set on dates agreeable to counsel and the court. After the case conference meeting and after the filing of the Case Conference Report (NRCP ~~[16.1(b),(e)],~~ 16.1(c)) the Court Clerk shall issue an NRCP 16.1 Setting Order. The Court Clerk shall send to counsel an Information Questionnaire and a date by which the questionnaire is to be submitted. If the questionnaires are not returned, counsel may appear personally or by telephone at 10:00 a.m. on the trial setting morning before the Judicial Assistant to submit the questionnaire. The Judicial Assistant shall set the matter to be heard on a date satisfactory to counsel based upon the information submitted within the questionnaire. If the questionnaires are not returned, and if there is not a personal appearance by counsel, then the trial will be set at the convenience of the court.

(b) If based on the questionnaires the parties cannot agree on a trial date, the Judicial Assistant shall set the case for trial on the first available date.

(c) Any party who seeks relief from the trial setting shall do so no later than ten (10) days after the date the matter is set for trial.

(d) If a matter cannot be heard because of multiple settings on any given day, the Judicial Assistant shall immediately advise counsel for all parties. The postponed matter is then entitled to priority for resetting. Criminal matters have priority over civil matters, unless otherwise provided by law or by the court.

(e) If a case is settled, counsel for the parties shall immediately notify the Judicial Assistant and Judge in writing.

**Rule 5.1. Setting of domestic relations matters.**

(a) Case management conferences.

(1) In all divorce, annulment, separate maintenance actions, paternity actions, or custody matters between unmarried parties where paternity is established, the plaintiff shall file proof of service of the summons and complaint within five (5) days after service is effected. After the proof of service is filed, the court shall issue and serve a case management setting order pursuant to NRCP [~~16.2(b).~~] 16.2(j) or 16.205(j) for paternity and custody matters between unmarried parties.

(2) Any party or counsel who seeks relief from the date of the case management conference must do so within ten (10) days after service of the case management setting order. Time shall be computed as provided by NRCP 6.

(3) Every party and counsel shall appear at the case management conference in person unless excused in writing by the court prior to the scheduled conference. Requests for an excuse must be made in writing to the court no later than five (5) days before the case management conference. Such request must be made by facsimile, letter, or motion and must be served by facsimile, electronic mail, or regular mail upon the adverse party.

(4) Every party shall provide the court with a list of the witnesses and documents exchanged pursuant to NRCP 16.2(a)(2). Each list shall be titled as either "Plaintiff's List of Witnesses and Documents Exchanged" or "Defendant's List of Witnesses and Documents Exchanged" as appropriate.

The list shall be formatted in a manner appropriate to be attached as an exhibit to the case management order.

(5) At the case management conference, the court shall set the matter for trial at a date satisfactory to the parties present and the court.

(b) Setting of post-trial domestic relations hearings.

(1) In all contested, post-trial motions to modify or enforce child custody, parenting time, child support, or separate maintenance orders, where mediation pursuant to NJDCR 27 has been unsuccessful, or where the parties are exempt from mediation under NJDCR 26, either party may request that the motion be set for an evidentiary hearing. Upon a finding by the court that an evidentiary hearing is appropriate, the Judicial Assistant shall set the matter to be heard on a date satisfactory to counsel, based upon the information provided within the questionnaire, and the court. If the questionnaires are not returned, the hearing will be set at the convenience of the court.

(2) Any party or counsel who seeks relief from the date of the evidentiary hearing must do so within ten (10) days after service of the setting order.

(c) Multiple settings shall be made by the Judicial Assistant as the Judge may direct. If a matter cannot be heard because of multiple settings on any given day, the Judicial Assistant shall immediately advise counsel for all parties. The postponed matter is then entitled to priority for resetting.

(d) If a case is settled, counsel for the parties shall immediately notify the court in writing.

**Rule 6. Motions: Procedure for supporting and deciding.**

(a) All motions and similar moving documents, unless made during a hearing or trial, shall be in writing, and if requiring testimony, shall comply with the notice requirements of NRCP [~~6(d).~~] 6(c).

(b) A motion or response accompanied by a memorandum that consists of bare citations to statutes, rules or cases, does not comply with DCR 13, and the court may decline to consider the motion or response.

(c) Proposed orders shall accompany the motion and opposing memorandum.

(d) Upon the expiration of the time for filing a reply and points and authorities, the Judicial Assistant shall submit the matter to the Judge for decision. A written or oral request for submission on the motion is unnecessary. If the parties have agreed to extend the time permitted to respond to the substance of the motion, such agreement must be submitted in writing to the court by letter prior to the date that the response to the motion is due.

(e) Decisions on all motions, except as otherwise provided for in these rules or by statute, shall be rendered without oral argument, unless oral argument is requested by:

(1) The court, in which event the court shall set a date and time for hearing; or

(2) Either party at the time of filing the motion or the response thereto, in which event the court may set a date and time for a hearing.

In all cases where the granting of a motion would dispose of the action on the merits, and with prejudice, the court may grant oral argument on the request of the opposing party. If no such request is made, oral argument shall be deemed to be waived.

(f) On motions for summary judgment, each party shall file a concise statement setting forth each fact material to the disposition of the motion that the party claims is or is not genuinely in issue, or is in dispute but is not material to the motion, and cite the particular portions of any pleading, affidavit, deposition, interrogatory, answer, admission, or other matter upon which he or she relies in making such argument.

(g) Motions to compel discovery or for sanctions for failure to provide discovery will not be considered unless a statement of the movant is attached thereto, certifying that, after personal consultation and a good faith effort to comply, counsel has been unable to satisfactorily resolve the matter.

(h) The rehearing of motions must be done in conformity with DCR 13. A party seeking reconsideration of a ruling of the court, other than an order that may be addressed by motion pursuant to NRCP 50(b), 52(b), 59, or 60, must file a motion for such relief within twenty (20) days after entry of the order or judgment, unless the time is shortened or enlarged by written order. A motion for rehearing or reconsideration must be served, noticed, filed, and heard as any other motion. A motion for rehearing may not toll the period for filing a notice of appeal from a final order or judgment.

(i) Any cross-motion or countermotion must be filed as a separate document unless it is pleaded in the alternative.

#### **Rule 7. Affidavits on motions.**

(a) Factual contentions involved in any pretrial or post-trial motion must be initially presented and heard upon affidavits, depositions, answers to interrogatories, or admissions.



(b) Each affidavit shall identify the affiant, the party on whose behalf it is submitted, and the motion or application to which it pertains, and must be served and filed with the motion, opposition, or reply to which it relates.

(c) Affidavits must contain only factual, evidentiary matter, conform with the requirements of NRCP [~~56(e),~~] 56(c), and avoid mere general conclusions or arguments. Affidavits substantially defective in these respects may be stricken, wholly or in part.

### **Rule 15. Pretrial conferences.**

(a) The Trial Judge may require a pretrial conference upon the Judge's own motion or upon a motion made at least thirty (30) days prior to trial.

(b) Pretrial conferences shall include settlement negotiations, and the parties must comply with the procedures described in the scheduling order.

(c) The Judge may, for good cause, continue the pretrial conference for a limited period of time pursuant to NRCP [~~16.1(a),~~] 16.1(b)(2)(B).

(d) Statements of counsel and the parties made at a pretrial conference are not admissible in evidence, unless so provided by a pretrial order.

### **Rule 25. Financial declarations.**

(a) In all contested suits for divorce, separate maintenance, paternity, child custody or child support matters, each party shall complete the court-approved Financial Disclosure Form. At the commencement of an action, each party shall then file his or her Financial Disclosure Form as provided in NRCP [~~16.2,~~] 16.2 or 16.205 for paternity or custody actions between unmarried parties. This court shall accept the Financial Disclosure Form required by the Nevada Supreme Court pursuant to NRCP 16.2 or [~~the Financial Disclosure Form approved by this court,~~] 16.205, as applicable.



(b) A party filing any motion relating to child or spousal support, child custody, paternity or the award of attorney fees pursuant to NRS 125.040, must file a current Financial Disclosure Form at the time of filing the motion, unless a current Financial Disclosure Form is already on file. The filing of an incomplete, inaccurate, or untimely Financial Disclosure Form may be construed as an admission that the motion is not meritorious and as cause for its denial, and may result in any appropriate sanction available pursuant to NRCP [~~16.2(a)(1).~~] 16.2(g)-(h) or 16.205(g)-(h), as applicable.

(c) Any party opposing a motion relating to child or spousal support, child custody, paternity, or the award of attorney fees pursuant to NRS 125.040 must file a current Financial Disclosure Form at the time of filing his or her opposition, unless a current Financial Disclosure Form is already on file. The filing of an incomplete, inaccurate, or untimely Financial Disclosure Form may be construed as an admission that the opposing party has the resources to pay the amount requested by the moving party and that the moving party's motion is meritorious, and may result in any appropriate sanction available pursuant to NRCP [~~16.2(a)(1).~~] 16.2(g)-(h) or 16.205(g)-(h), as applicable.

(d) The Financial Disclosure Form shall include income of the current spouse of a party in the "other income" section of the Financial Disclosure Form. In addition, if a party resides with one or more adults other than a spouse, that party's Financial Disclosure Form shall reflect, in the "other income" section, the number of adult persons living in the household and the extent to which the adult persons provide support and/or share in the party's living expenses. All children living within the household for which the party is providing financial support shall also be listed within the Monthly Expenses portion of the Financial Declaration Form. This information is regarded as a supplement to the standard form.

(e) A party must supplement or correct the party's Financial Disclosure Form within ten (10) days after the party acquires additional information or otherwise learns that in some material respect the party's disclosure is incomplete or incorrect. If the supplemental disclosure includes an asset, liability, income, or expense omitted from the party's prior disclosure(s), the supplemental disclosure shall include an explanation as to why the item was omitted.

(f) Filing of a Financial Disclosure Form shall not supplant nor limit discovery pursuant to the Nevada Rules of Civil Procedure.

(g) The requirements of this rule shall not be waived except by order of the court for good cause shown.

(h) Attorney fees, and other sanctions described in NJDCR 23 may be awarded for the untimely, inaccurate, or incomplete filing of a Financial Disclosure Form.

(i) When a party is not represented by an attorney, the party must still comply with this rule.

### **Rule 29. Post-trial matters in domestic relations cases.**

This rule only applies to contested, post-trial motions to modify child custody, parenting time, child support, or separate maintenance.

(a) Discovery. Any party may obtain discovery by one or more methods provided in NRCP 26 through 37, inclusive, commencing ten (10) days after service of the opposition to the motion. Discovery shall be completed no later than ten (10) days before a scheduled hearing.

(b) Initial disclosures. A party must, without awaiting a discovery request, provide to the other parties the initial disclosures required by NRCP ~~[16.2(a)(2)]~~ 16.2(d) or 16.205(d) (for paternity or custody matters between

unmarried parties) within ten (10) judicial days after service of the opposition to the motion. This provision is in addition to any financial disclosures required by these rules or the Nevada Rules of Civil Procedure.

(c) Disclosure of expert testimony. A party shall disclose to all other parties the identity of any person who may be used at the evidentiary hearing to present evidence pursuant to NRS 50.275, 50.285, and 50.305. These disclosures must be made within twenty (20) days after the service of the opposition to the motion, or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party, within ten (10) days after the disclosure made by the other party.

(d) Prehearing disclosures. In addition to the other prehearing disclosures required by this rule, a party must provide to the other parties the disclosures required by NRCP [~~16.2(a)(4)~~] 16.2(e) or 16.205(e) (for paternity or custody matters between unmarried parties) regarding the evidence that the party may present at the evidentiary hearing, including impeachment and rebuttal evidence.

Unless otherwise directed by the court, these disclosures must be made at least ten (10) days before the evidentiary hearing. Within seven (7) days thereafter, unless a different time is specified by the court, a party may serve any objections along with the grounds therefore, to the materials identified. Objections not made and served, other than objections pursuant to NRS 48.025 and 48.035, may be deemed waived unless excused by the court for good cause shown.

(e) Continuing duty to supplement. Each party is under a continuing duty to supplement or correct the disclosures under this rule pursuant to NRCP 26(e).

(f) Hearing statements. At least three (3) days prior to the evidentiary hearing, each party shall file and serve a hearing statement that shall set forth the following matters in the following order:

(1) A concise statement of the claimed facts supporting the party's claim or defenses;

(2) A statement of admitted or undisputed facts;

(3) A statement of issues of law supported by a memorandum of points and authorities; and

(4) Any other appropriate comment, suggestion, or information which may assist the court in the trial or disposition of the case.

(g) When a party is not represented by an attorney, the party must comply with this rule.